

REGULAR MEETING  
LAWRENCE TOWNSHIP COUNCIL  
LAWRENCE TOWNSHIP MUNICIPAL BUILDING  
COUNCIL MEETING ROOM – UPPER LEVEL

February 19, 2013

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, February 19, 2013 at 6:30 P.M.

The meeting was opened with the Pledge of Allegiance, led by the Municipal Clerk.

At the commencement of the meeting Mayor Kownacki read the following statement of proper notice:

**STATEMENT OF PROPER NOTICE:** “Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, February 19, 2013 has been provided through the posting of the annual meeting schedule of said Council in accordance with Section 13 of the Open Public Meetings Act”.

The roll was then called as follows:

Present: Councilmembers Brame, Maffei, Powers and Mayor Kownacki.  
Absent: Councilwoman Lewis (Ms. Norcia stated that Ms. Lewis is out of town on business.)

Also, in attendance were Richard S. Krawczun, Municipal Manager, and David Roskos, Municipal Attorney.

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Special Proclamations, Recognitions and Presentations

**A. Department Directors’ Budget Presentations**

Mayor Kownacki advised that this part of the Agenda will consist of various discussions from Department Directors regarding their 2013 departmental budgets, after which the Council will have an opportunity to ask questions regarding the presentation. He then turned the floor to the following Department Heads.

**Municipal Court - Judge Kevin Nerwinski, 2013 Budget Presentation**

Mr. Krawczun advised that he was contacted by Judge Nerwinski today and he asked for a postponement due a pressing family matter. There was no objection from Council to the presentation being postponed.

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**Police Department - Chief Daniel Posluszny, Budget Presentation**

Chief Posluszny stated that the 2013 Budget and Annual Report of the Police Department should have been emailed to everyone as they were trying to be environmentally friendly in saving some trees and advised that the full report is also available on the Township website under the Police Department Heading. He then proceeded with an overview of the Uniform Crime Report, Call for Service Statistics regarding arsons, assaults, burglaries, larceny-thefts, motor vehicle thefts, rapes, robberies and homicides and the staffing levels of the Police Department as it relates to police services, retirements, existing employees and their day-to-day departmental operations, as well as, his 2013 Budget request for Council’s consideration.

A short question and answer period took place relative to Chief Posluszny’s presentation, after which Mayor Kownacki and the Council all thanked and gave closing remarks regarding him and his staff’s diligent service and the great job they do in protecting the community.

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**B. Appeal Hearing – Mother’s Recovery, Inc. – Towing Application Denial**

Mayor Kownacki advised that Mother’s Recovery, Inc. requested an Appeal before the Township Council based on the denial of his Towing License Application by the Police Department. He then turned the floor over to Terrence Reside, President of Mother’s Recovery, Inc., who provided a brief background history relative to his company’s operation and presented his case as to why his company’s appeal should be reconsidered for approval by Council. Subsequently, Detective Scott Caloiaro advised that he has been performing towing inspections for the past 13 years and proceeded to review his findings during the initial inspection and re-inspection and decision to deny the application. (Prior to hearing testimonials, Detective Caloiaro and Mr. Reside were both sworn in by the Township Attorney.) An at length comment, question and review period took place relative to the Towing Ordinance as it relates to the appeal which led to the following determination:

The Towing Appeal for Mother’s Recovery, Inc. was denied on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Brame	X						X
Ms. Lewis				X			
Dr. Maffei	X						
Mr. Powers	X					X	
Mayor Kownacki	X						

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Public Participation (5-minute limitation per speaker)

Mr. Joseph Mislán, 4 Sunset Road, voiced his objection to passage of the 2013 Municipal Budget in its present form being it satisfies the State requirements but fails the taxpayers of Lawrence, as the budget mentions laws and mandates but no reference to what the laws are by name or title and whether they are federal, state or local laws and advised if the budget is going to mention the law it should not say mandate because in a democracy they have laws not mandates, and the budget should specify the laws so that the residents can check for themselves how it applies. In addition, Lawrence budget format is not clear or transparent compared to the Pie Chart prepared by the Board of Education Business Administrator, Thomas Eldridge, that breaks down how the money is allocated and expended and the Township having no breakdown of how the tax dollars are apportioned between the County, School or Municipal over a period of years so that the taxpayers can review the trend and recommended that the Township go to a spreadsheet/bar graph format that will make the budget clear and more transparent. In closing, he discussed a new budget reporting system used in New York City called Checkbook NYC and it being a revelation as it gives the public access to the town's day-to-day expenditures of payment and financial condition; something that the Council should consider for the future to avoid another financial crisis and suggested that the Township also get Wi-Fi in the building.

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Review and Revisions of Agenda

The Municipal Manager advised that the Agenda needs to be amended to remove Resolution 17-P, Authorizing Amending the Professional Services Agreement for the Special Counsel for Labor Relations.

On a motion by Mr. Powers, seconded by Mr. Brame, the Agenda was amended to include the above revision.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Maffei, Powers and Mayor Kownacki.  
Nays: None.  
Absent: Councilwoman Lewis.

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Adoption of Minutes

On a motion by Dr. Maffei, seconded by Mayor Kownacki, the Minutes of Regular Meeting of June 6, 2012 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmembers Maffei and Mayor Kownacki.  
Nays: None.  
Absent: Councilwoman Lewis.  
Abstain: Councilmembers Brame and Powers.

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On a motion by Mr. Powers, seconded by Mayor Kownacki, the Minutes of Regular Meeting of June 19, 2012 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmembers Maffei, Powers and Mayor Kownacki.  
Nays: None.  
Absent: Councilwoman Lewis  
Abstain: Councilman Brame.

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On a motion by Mr. Powers, seconded by Dr. Maffei, the Minutes of Closed Session Meetings of December 18, 2012 and January 8, 2013 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmembers Maffei, Powers, Mayor Kownacki.  
Nays: None.  
Absent: Councilwoman Lewis  
Abstain: Councilman Brame.

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Appointment to Fill Boards and Committees - Zoning Board of Adjustment

Mayor Kownacki stated that the Council will now make the appointment for the Zoning Board, after which the Council cast their vote for the following nominee:

ZONING BOARD – Melissa Saunders – (Alternate #1 – 2-year term ending 12/31/14)

Resolution No. 106-13 was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Brame	X						X
Ms. Lewis				X			
Dr. Maffei	X						
Mr. Powers	X					X	
Mayor Kownacki	X						

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Awarding and/or Rejecting of Bids

There were no bid awards.

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Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, "ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LAND OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, NOT NEEDED FOR PUBLIC USE – Meriline Avenue"

Mr. Krawczun stated that the Ordinance authorizes the sale of Township owned property on Meriline Avenue and the property will only be eligible to be sold to contiguous property owners by way of public auction. And, once the property is transferred the successful bidder will be required to consolidate the parcel with their adjoining property and they will be restricted from subdividing or utilizing the property for construction of an additional dwelling. In addition, they have a requirement in the Ordinance stipulating that the successful bidder will be responsible for paying the first \$1,000 of legal fees incurred by the Township in addition to the purchase price.

The Ordinance was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						X
Ms. Lewis				X			
Dr. Maffei	X						
Mr. Powers	X					X	
Mayor Kownacki	X						

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Mayor Kownacki read by title an ordinance entitled, "ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LANDS OF THE

TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, NOT NEEDED FOR PUBLIC USE – Rolfe Avenue, Glenn Avenue , Johnson Avenue”

Mr. Krawczun stated that the Ordinance is similar to the previous ordinance in that the properties to be sold are done by public auction only to contagious owners, but the successful bidder may combine the purchased parcel with an adjoining lot for the purpose of creating buildable a lot and the successful bidder will be responsible for paying the first \$500 of legal fees incurred by the Township in addition to the purchase price.

The Ordinance was introduced and approved on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame      | X   |     |         |        |         |      | X      |
| Ms. Lewis      |     |     |         | X      |         |      |        |
| Dr. Maffei     | X   |     |         |        |         |      |        |
| Mr. Powers     | X   |     |         |        |         | X    |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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Adoption of Ordinances

Mayor Kownacki read by title an ordinance entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 2139-12 ENTITLED AN ORDINANCE AMENDING CHAPTER 6A, “FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER’ OF THE LAWRENCE ADMINISTRATIVE CODE - Recreation Fees.”

Ordinance No. 2148-13

AN ORDINANCE AMENDING ORDINANCE NO. 2139-12 ENTITLED AN ORDINANCE AMENDING CHAPTER 6A, “FEES: THE CONSOLIDATEDLICENSE, PERMIT AND FEE CHAPTER” OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE

SECTION I. BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that section 6A-23 “Recreation Fees” is hereby amended as follows:

| ACTIVITY                  | FEE      |
|---------------------------|----------|
| Art/Theater Camp Full Day | \$250.00 |
| Art/Theater Camp Half Day | \$185.00 |
| Art, Winter               | \$80.00  |
| Basketball, Competitive   | \$110.00 |
| Basketball, Summer Teen   | \$65.00  |

|                                      |               |
|--------------------------------------|---------------|
| Basketball, Youth                    | \$75.00       |
| Bocce                                | \$5.00        |
| Camp, After Care                     | \$60.00       |
| Camp, Before Care                    | \$50.00       |
| Cheerleading                         | \$55.00       |
| Field Hockey, Indoor                 | \$75.00       |
| Garden Plot, Resident                | \$45.00       |
| Garden Plot, Non-resident            | \$90.00       |
| Lacrosse, Boys                       | \$100.00      |
| Lacrosse, Girls                      | \$50.00       |
| Playgrounds, Full Day until April 30 | \$265.00      |
| Playgrounds, Full Day after April 30 | \$290.00      |
| Playgrounds, Half Day until April 30 | \$195.00      |
| Playgrounds, Half Day after April 30 | \$210.00      |
| Safety Town                          | \$75.00       |
| Senior Instruction                   | \$3.00/class  |
| Sports Camps                         | \$250.00      |
| Sports Camps, Half Day               | \$185.00      |
| Sports Clinics                       | \$40.00       |
| Swim Lessons                         | \$80.00       |
| Swim Team                            |               |
| October – March, Level 1             | \$210.00      |
| October – March, Level 2             | \$185.00      |
| October – March, Level 3             | \$185.00      |
| October – US Swim                    | \$140.00      |
| Tennis Instruction, Adult            | \$85.00       |
| Tennis Instruction, Youth            | \$7.00/hour   |
| Travel Camp, Daily (Resident)        | \$85.00       |
| Travel Camp, Daily (Non-resident)    | \$100.00      |
| Travel Camp, Week (Resident)         | \$285.00      |
| Travel Camp, Week (Non-resident)     | \$350.00      |
| Volleyball                           | \$70.00       |
| Wrestling                            | \$45.00       |
| PERMIT                               |               |
| Picnic/Park/Facility                 | \$40.00       |
| Athletic Field w/o lights*           | \$90/3 hours  |
| Athletic Field w/lights*             | \$150/3 hours |

\*Fee for Athletic Field Permit shall not exceed \$2,000 per user for rental of athletic fields on multiple dates during any one calendar month

SWIMMING POOL

|                                   |          |
|-----------------------------------|----------|
| Family Membership                 |          |
| School Year                       | \$165.00 |
| Summer                            | \$115.00 |
| Individual Membership             |          |
| School Year                       | \$90.00  |
| Summer                            | \$70.00  |
| Senior Membership                 |          |
| School Year                       | \$25.00  |
| Summer                            | \$20.00  |
| Daily Fee (all year Non-member)   | \$5.00   |
| Dip Ticket                        | \$85.00  |
| Subsidized League Participant Fee | \$5.00   |

Section 2. Miscellaneous Fee

Except as provided for, fees for non-residents and organizations with their base of operation not in Lawrence Township shall be twice the established fee. (established in Ord. 1125-88)

Section 3. Financial Assistance for Program Fees

Upon review of gross household income and family size the Superintendent of Recreation can issue a partial scholarship Township to Lawrence residents for Recreation Department fees set forth in said ordinance. Qualified participants will be assessed 35% or 65% of the registration fee. Travel Camp participants meeting the guidelines will be required to pay a minimum of \$125 per week. (established in Ord. 1627-00 amended in Ord. 1966-08)

Section 4. Refunds of Registration Fees

Individuals withdrawing from a program before the start date will receive a refund, minus 25% of the established registration. No refund will be issued if the participant withdraws after the starting date of the activity. (established in Ord. 1996-08)

Section 5. Temporary Food License for Community Day

Individuals must obtain a temporary food license for the purpose of distributing food and/or beverages at Community Day and meet all the requirements as outlined by the Lawrence Township Health Department. The fee for non-profit or not for profit organizations based in Lawrence Township will be waived. (established in Ord. 1996-08)



Section 6. Repealer

All ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 7. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 8. Effective Date

This ordinance shall become effective twenty (20) days after adoption thereof.

Adopted: February 19, 2013

Additions Underlined \_\_\_\_\_

Ordinance 2148-13 was adopted on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame      | X   |     |         |        |         |      |        |
| Ms. Lewis      |     |     |         | X      |         |      |        |
| Dr. Maffei     | X   |     |         |        |         |      | X      |
| Mr. Powers     | X   |     |         |        |         | X    |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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**Manager’s Report –**

Mr. Krawczun submitted invoice listings for the month of February 2013 in the amount of \$1,300,429.17.

**A. Discussion of 2013 Recommended Budget**

Prior to the discussion of the 2013 Municipal Budget, Mr. Krawczun stated he would like to take the opportunity to speak a little about the appropriation side of the 2013 budget as he reviewed the revenue side of the budget at the last meeting; but, prior to his review he would like to mention that he and Mr. Whitehead, Director of Public Works, met with some representatives from the Lawrence Township School District with the intent of identifying possible shared services, some of the services they have shared in the past have expired, by way of finding alternate methods to either procure or receive those services by each party until they can hopefully formulate other opportunities that exist to create some new programs and new shared services.

Mr. Krawczun distributed copies of the 2013 Municipal Budget Report to the Council and advised that the budget information he is about to review will be posted on the Township website tomorrow and the presentation will bring attention to the items of appropriation that either increased or decreased in the municipal budget recommended for 2013 as well as the reasons and proceeded to review in detail the following reports: Appropriations – Salaries, Health Benefits, Unemployment Insurance, Police Dispatch Other Expenses, Special Events, Police Cars, Fire Hydrants, Pensions (Police Employees/Fire & Police), Social Security, Ewing-Lawrence Sewerage Authority, Debt Service, Emergency Authorization, Special Emergency and Reserve Uncollected Taxes; Annual Debt – Bond Issues/Notes – 2008-2012 and Refunding Debt Service Savings – Bond Issue/Final Maturity – 1998-2021). A short comment, question and answer period took place relative to Mr. Krawczun’s presentation and the timeline for introduction and adoption of the budget.

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**Attorney’s Report –**

Mr. Roskos stated that he has a few items for Executive Session, but nothing for the open session.

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**Clerk’s Report –**

There was no Clerk’s report.

**Old Business –**

There was no old business.

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**New Business –**

There was no new business.

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**Public Participation (3-minute limitation per speaker) –**

Mr. James Cleak, 7 East Darrah Lane, stated that he just has some follow-up questions pertaining to the budget presentation and asked the Council when there is a loss of revenue to the Township because of tax appeals or so forth does it all come out of the Township’s 21-percent because the County or

School budgets do not get penalized; therefore, they receive the flat amount and was advised by Mr. Krawczun that is correct. He further inquired about Councilman Powers comments regarding an increase of \$217,000 in appropriations for fire hydrants contrary to Mr. Krawczun's presentation of a decrease in the same amount and asked for clarification on the matter and was advised by Councilman Powers that he was thinking of the 2014 budget, and Mr. Krawczun further advised that the increase in the 2013 budget is from the Settlement Credit issued to Lawrence Township as a result of the Settlement with Trenton Water Works and proceeded to discuss employees' salaries, pension contributions and bond notes savings as it relates to increases and decreases in the municipal budget.

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Resolutions

Resolution Nos. 89-13 (17-A) thru 105-13 (17-Q) with the exception of (17-B and 17-P - Pulled) were approved by the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame      | X   |     |         |        |         |      |        |
| Ms. Lewis      |     |     |         | X      |         |      |        |
| Dr. Maffei     | X   |     |         |        |         |      | X      |
| Mr. Powers     | X   |     |         |        |         | X    |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

Cited Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

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Mr. Krawczun explained that Middlesex Regional Education Services Commission is a Co-op that provides not only cooperative purchase of electricity but other commodities and services and that the Administration first inquired about the opportunity for couple of reasons; one, the Township's current contract for electricity is due to expire in June and the price with the Co-op is less than the what they are currently paying for electricity. Further, the bid for commodities and services are immediate and the Township is not responsible for the consultant fees paid back to the Commission as the fees are paid by the bidder and proceeded to elaborate on the cost saving of electricity and other goods and services related to the program. Some discussion followed relative to the terms of the agreement.

Resolution No. 90-13 (17-B) was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						X
Ms. Lewis				X			
Dr. Maffei	X						
Mr. Powers	X					X	
Mayor Kownacki	X						

Cited Resolution is spread in its entirety in the Resolution Books of the Township of Lawrence.

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### **Council Initiatives/Liaison Reports –**

#### Councilmember Brame's report:

- Stated that he had the pleasure of meeting the Recreation Advisory Committee on February 7 to introduce himself as the Council's Liaison to that committee and while he was there they discussed among other things the proposed Ordinance that would help with revenue generation for the recreation activities and set out some anticipated new business that the Committee would engage in during the course of the year. And, on February 8 he again had the pleasure of introducing himself to the Environmental Resources and Sustainability Green Advisory Committee, which is merger of two former separate committees, whereby they included the reorganization of elected officers, set forth a calendar for meetings and took a cursory look at a couple of applications that are currently before the Planning Board but are not yet complete. In addition, they set a meeting time of 7:00 p.m. rather than 7:30 p.m. and selected Pamela Mount as the Chair to the committee.

#### Councilmember Lewis' report:

- No report – Absent.

#### Councilmember Maffei's report:

- Advised that he attended the Revaluation Meeting along with Mr. Krawczun who gave a report on how the revaluation is going and the experts who were present at the meeting gave their reports.

#### Councilmember Powers' report:

- Advised that he was also present at the Environmental Resources and Sustainability Green Advisory Committee meeting along with Councilman Brame and the group looked good and they had an opportunity to review a couple of upcoming Site Plans for the Planning Board.
- The Planning Board reorganized and elected Doris Weisberg as the Chair and Kim Taylor as Vice-Chair. Also, he has some good news to share in terms of the commercial activity at the Quaker Bridge

Mall regarding the Italian restaurant, Brio Tuscan Grille, that is coming in next to the Cheesecake Factory, they received approval from the Planning Board.

- Additionally, the Shade Tree Advisory Committee has been involved in reviewing plans for the Planning Board.
- Stated that the Human Relations Committee meets tomorrow night and Diversity Day is scheduled for Sunday, May 5 from 12 Noon to 4:00 p.m. at the Lawrence High School Cafeteria and more information will follow as they get closer to the date.

Mayor Kownacki's report:

- Stated that the Municipal Alliance on Drug & Alcohol Abuse meeting was cancelled due to lack of a quorum, and the Affordable Housing meeting is coming up this week; however, he will be unable to attend due to a conflict of schedule.

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**Written Communications –**

- A. Letter from Edward Wizinitzer Resigning from the Zoning Board of Adjustment – No Discussion.

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There being no further business to come before this Council, the meeting adjourned.

8:24 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor